method claims 22-23 under the provisions of MPEP §821.04 upon confirmation of allowable subject matter of the composition claims 1-10, 17 and 20.

Such rejoinder would be fully proper under these circumstances[1].

In the present application the elected claims 1-10, 17, and 20 are directed to a pharmaceutical composition comprising a nucleic acid molecule encoding an inactive form of the human transcription initiation factor TIF-IA, and host cells comprising said nucleic acid molecule. Claims 22-23 are directed to methods of administering a nucleic acid molecule encoding an inactive form of TIF-IA. Consistent with the provisions of the MPEP §821.04, when the product claims 1-10, 17, and 20 (Group I) are subsequently found allowable, any withdrawn method of making and/or using claims 22-23 (Group II) would be properly rejoined for examination.

CONCLUSION

In response to the Requirement for Restriction dated July 31, 2006, Applicants have provisionally elected, with traverse, Group I, claims 1-10, 17, and 20, drawn to a pharmaceutical composition comprising a nucleic acid molecule encoding an inactive form of the human transcription initiation factor TIF-IA, and host cells comprising said nucleic acid molecule. Further, Applicants have provisionally elected: S649 as the TIF-IA mutation species of claims 2-7, mammalian cells as the cell type species of claim 12, virus as the species of the recombinant vector of claims 8-9, and iv) mammalian cells as the cell line type of claim 17 as single disclosed species of each of those identified groups, with traversal of the election of species requirement.

The time for responding to the May 31, 2007 Office Action without extension was set at one month, or June 30, 2007. This response is therefore timely and no fees are believed to be due for the filing of this paper. However, should any fees be required or an overpayment of fees made, please debit or credit our Deposit Account No. 08-3284, as necessary.

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[1] When an application as originally filed discloses a product and the process for making and/or using such product, and only the claims directed to the product are presented for examination, when a product claim is found allowable, Applicants may present claims directed to the process of making and/or using the patentable product for examination through the rejoinder procedure in accordance with MPEP §821.04, provided that the process claims depend from or include all the limitations of the allowed product claims.

If any additional issues remain, the Examiner is requested to contact the undersigned attorney at (919) 419-9350 to discuss same, in order that the prosecution of this application is expedited.

Respectfully submitted,

Date: June 29, 2007

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The USPTO is hereby authorized to charge any deficiency or credit any overpayment of fees properly payable for this document to Deposit Account No. 08-3284